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TFW 2163  
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Attorney Docket 103.1068.01

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kleiman

Art Unit: 2163

Serial No. 09/854,187

Examiner: Le, U.

Filed: 5/10/2001

For: File System Image Transfer

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on 11/31/2006 by [Signature]  
Date Name

**INFORMATION DISCLOSURE STATEMENT**

Honorable Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted under:

- ☐ 37 CFR 1.97(b)  
(Within three months of the national application filing or the entry of international application, OR before the mailing date of first Office Action, whichever occurs last.)
- ☒ 37 CFR 1.97(c) together with either a:  
☐ Statement under 37 CFR 1.97(e)  
or ☒ \$180.00 fee set forth in 37 CFR 1.17(p)  
(After the CFR 1.97(b) time period, but before final Office Action or Notice of Allowance, whichever occurs first.)
- ☐ 37 CFR 1.97(d) together with a:  
☐ Statement under 37 CFR 1.97(e)  
and ☐ \$180.00 fee set forth in 37 CFR 1.17(p)  
(After the CFR 1.97(c) time period, but before payment of the Issue fee.)

02/07/2006 FMETEK11 00000062 500365 09854187

01 FC:1806 180.00 DA

**List of Documents**

Applicant(s) submits herewith:

- ☒ Form PTO SB/08A (Information Disclosure Statement by Applicant) listing patent document(s) of which applicant(s) believes might be material to the examination of this application and for which there might be a duty to disclose in accordance with 37 CFR 1.56.
- ☒ Form PTO SB/08B (Information Disclosure Statement by Applicant) listing non-patent document(s) of which applicant(s) believes might be material to the examination of this application and for which there might be a duty to disclose in accordance with 37 CFR 1.56.

**Copies of Documents**

- ☐ Applicant(s) submits herewith copies of all listed documents.
- ☐ Copies of the listed documents are not included with this filing. Copies of these documents were previously submitted in the following related application:

Docket No.: \_\_\_\_\_  
Serial No.: \_\_\_\_\_  
Filed: \_\_\_\_\_

THE EXAMINER IS ENCOURAGED AND EXHORTED TO MAKE HIS OR HER OWN INDEPENDENT EVALUATION OF POSSIBLE RELEVANCE OF THE LISTED DOCUMENTS.

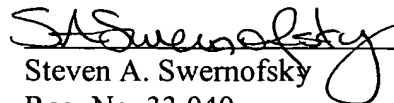
At the present time, Applicant(s) submits that the listed document(s), taken alone or in combination, neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

In the event fees are required, authorization is hereby granted to charge these fees to Deposit Account No. 50-0365.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

Date: 1-31-2006

  
Steven A. Swernofsky  
Reg. No. 33,040

Swernofsky Law Group  
P.O. Box 390013  
Mountain View, CA 94039-0013  
(650) 947-0700



22883

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	09/854,187
Filing Date	5/10/2001
First Named Inventor	Kleiman
Group Art Unit	2163
Examiner Name	Le, U.
Attorney Docket Number	103.1068.01

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1	4,814,971		Thatte	03-21-1989	
	2	4,878,167		Kapulka et al.	10-31-1989	
	3	5,448,718		Cohn et al.	09-05-1995	
	4	5,454,099		Myers et al.	09-26-1989	
	5	5,604,862		Midgely et al.	02-18-1997	
	6	5,623,666		Pike et al.	04-22-1997	
	7	5,701,480		Raz	12-23-1997	
	8	5,758,347		Lo et al.	05-26-1998	
	9	5,761,407		Benson et al.	06-02-1998	
	10	5,819,310		Vishlitzky	10-06-1998	
	11	5,835,953		Ohran	11-10-1998	
	12	5,857,207		Lo et al.	01-05-1999	
	13	5,870,764		Lo et al.	02-09-1999	
	14	5,873,101		Klein	02-16-1999	
	15	5,875,444		Hughes	02-23-1999	
	16	5,999,943		Nori et al.	12-07-1999	
	17	6,073,255		Nouri et al.	06-06-2000	
	18	6,078,932		Haye et al.	06-20-2000	
	19	6,101,507		Cane et al.	08-08-2000	
	20	6,145,121		Levy et al.	11-07-2000	

**FOREIGN PATENT DOCUMENTS**

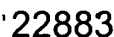
Examiner Initials*	Cite No <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	1	CA	2 165 912		Hitz et al.	05-25-2004		
	2	EP	0 767 431	A1	Matze et al.	04-09-1997		
	3	EP	1 003 103	A2	Hitz	05-24-2000		
	4	WO	01/31446	A1	Kleiman et al.	05-03-2001		
	5	WO	93/00632	A1	Skagerling	01-07-1993		
	6	WO	02/21281	A2	Bagg	03-14-2002		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.



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Substitute for form 1449A/PTO			Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			Application Number	09/854,187
			Filing Date	5/10/2001
			First Named Inventor	Kleiman
			Group Art Unit	2163
			Examiner Name	Le, U.
			Attorney Docket Number	103.1068.01
Sheet	1	of	1	

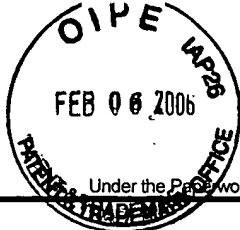
OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	BOBROWSKI. "Protecting your data: overview and comparison of backup and recovery features in database servers." DBMS, July 1993, pp. 55-59, vol. 6, no. 8.	
	2	CHANDRA ET AL. "Whither generic recovery from application faults? A fault study using open-source software." IEEE Computing Society, Dependable Systems and Networks, 2000. DSN 2000. Proceedings International Conference in New York, NY, USA. June 25, 2000, pp. 97-106, Los Alamitos, CA, USA.	
	3	FELDMAN ET AL. "IGOR: a system for program debugging via reversible execution." Proceedings of the 1988 ACM SIGPLAN and SIGOPS workshop on parallel and distributed debugging, November 1988, pp. 112-123.	
	4	IBM. "Automated Problem Reporting." IBM Technical Disclosure Bulletin, November 1989, pp. 466-468.	
	5	IBM. "Microkernal extension for cloning." IBM Technical Disclosure Bulletin, April 1, 1994, pp. 509-512, vol. 37, no. 4B.	
	6	JONES. "Toasting the new appliance." LAN Magazine, October 1995, pp. 170-173.	
	7	LI ET AL. "Real-time, concurrent checkpoint for parallel programs." Proceedings of the second ACM SIGPLAN symposium on principles and practice of parallel programming, February 1990, pp. 79-88.	
	8	MOLINA ET AL. "Issues in disaster recovery." 35 <sup>th</sup> IEEE Computer Society International Conference, February 26-March 2, 1990, pp. 573-577.	
	9	PAUL. "FAServer file server cuts costs of UNIX file services." Network World, April 26, 1993, pp. 13-16, vol. 10, no. 17.	
	10	PLANK ET AL. "Libckpt: transparent checkpointing under UNIX." USENIX Winter 1995 Technical Conference,	
	11	SIMPSON. "'Appliances' take over file server role." Digital News and Review, March 21, 1994, pp. 1-2, vol. 11, no. 6.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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22883

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

**Complete if Known**

Application Number	09/854,187
Filing Date	5/10/2001
First Named Inventor	Kleiman, et al.
Examiner Name	Le, U.
Art Unit	2163
Attorney Docket No.	103.1068.01

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number

50-0365

Deposit Account Name

Swernofsky Law Group PC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below	Fee Paid
Independent	Multiple Dependent	-20**=	-3**=		
				X	
				X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	**Reissue independent claims over original patent	
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0.00)

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	\$180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Steven A. Swernofsky	Registration No. (Attorney/Agent)	33,040	Telephone	650-947-0700
Signature	<i>SA Swernofsky</i>	Date	1-30-2006		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/854,187
		Filing Date	May 10, 2001
		First Named Inventor	Kleiman, Steven R.
		Art Unit	2163
		Examiner Name	Le, U.
Total Number of Pages in This Submission	8+	Attorney Docket Number	103.1068.01

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (2 copies)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTO Forms SB08A (2 sheets)
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	PTO Form SB08B
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	Copies of References
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		Return Postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Steven A. Swernofsky	Reg. No. 33,040
Signature		
Date	1-31-2006	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Type or printed name	Jude Stolar		
Signature		Date	1/31/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.